

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.,

Plaintiff,

v.

STOCKX LLC,

Defendant.

Civil Action No.: 1:22-cv-00983-VEC

**DECLARATION OF TAMAR Y. DUVDEVANI IN OPPOSITION TO STOCKX LLC'S
MOTION FOR SUMMARY JUDGMENT**

I, Tamar Y. Duvdevani, declare as follows:

1. I am a partner at DLA Piper LLP (US) and attorney of record for Plaintiff Nike, Inc. ("Nike"). I submit this Declaration in connection with Nike's Opposition to StockX LLC's Motion for Summary Judgment and to place before the Court relevant deposition testimony and documents.
2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts of the December 7, 2022 Videotaped deposition of Ron Faris.
3. Attached hereto as **Exhibit 2** is a true and correct copy of webpage printout of "How do I get Nike's Newest Sneaker Releases?" on nike.com, available at <https://www.nike.com/help/a/launch-tips>.
4. Attached hereto as **Exhibit 3** is a true and correct copy of an article titled "Is Sneaker Reselling Still Profitable?", available at <https://www.soleretriever.com/news/articles/is-sneaker-reselling-still-profitable>.
5. Attached hereto as **Exhibit 4** is a true and correct copy of Heather Paulson's LinkedIn Profile.

6. Attached hereto as **Exhibit 5** is a true and correct copy of a document produced by StockX, LLC (“StockX”) in connection with this matter bearing Bates Numbers STX0091819 – STX0091911.

7. Attached hereto as **Exhibit 6** is a true and correct copy Dictionary.com definition of Sneakerhead, available at <https://www.dictionary.com/browse/sneakerhead>.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the August 30, 2023 videotaped deposition of DeJongh Wells.

9. Attached hereto as **Exhibit 8** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0226300.

10. Attached hereto as **Exhibit 9** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0169276 - STX0169277.

11. Attached hereto as **Exhibit 10** is a true and correct copy of Selling on StockX, available at <https://stockx.com/about/selling/>.

12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the June 29, 2023, Videotaped 30(b)(6) Deposition Transcript of StockX’s Brock Huber.

13. Attached hereto as **Exhibit 12** is a true and correct copy of Want to get Rich Selling Sneakers? Start Flipping Bricks, available at, <https://www.gq.com/story/brick-flipping-sneaker-resale>.

14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from the July 11, 2023, Videotaped Deposition of Catherine Tucker, Ph.D.

15. Attached hereto as **Exhibit 14** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0273234.

16. Attached hereto as **Exhibit 15** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0203963.

17. Attached hereto as **Exhibit 16** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0205582.

18. Attached hereto as **Exhibit 17** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0210074.

19. Attached hereto as **Exhibit 18** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0233453.

20. Attached hereto as **Exhibit 19** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0234753 – STX0234754.

21. Attached hereto as **Exhibit 20** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX039445.

22. Attached hereto as **Exhibit 21** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0248063.

23. Attached hereto as **Exhibit 22** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0260749.

24. Attached hereto as **Exhibit 23** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0268120.

25. Attached hereto as **Exhibit 24** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Number NIKE0000443.

26. Attached hereto as **Exhibit 25** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0224673.

27. Attached hereto as **Exhibit 26** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0229771.

28. Attached hereto as **Exhibit 27** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0236761.

29. Attached hereto as **Exhibit 28** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0238363.

30. Attached hereto as **Exhibit 29** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0260868.

31. Attached hereto as **Exhibit 30** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0265816.

32. Attached hereto as **Exhibit 31** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0266198.

33. Attached hereto as **Exhibit 32** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0268448.

34. Attached hereto as **Exhibit 33** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0133183 – STX0133192.

35. Attached hereto as **Exhibit 34** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0143893 – STX0143914.

36. Attached hereto as **Exhibit 35** is a true and correct copy of documents produced by Third Party Michael Malekzadeh in connection with this matter bearing Bates Numbers ZK_NIKE_004180 – ZK_NIKE_004183.

37. Attached hereto as **Exhibit 36** is a true and correct copy of documents produced by Third Party Michael Malekzadeh in connection with this matter bearing Bates Numbers ZK_NIKE_004716 - ZK_NIKE_004717.

38. Attached hereto as **Exhibit 37** is a true and correct copy of documents produced by Third Party Michael Malekzadeh in connection with this matter bearing Bates Numbers ZK_NIKE_009357 - ZK_NIKE_009358.

39. Attached hereto as **Exhibit 38** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0214114.

40. Attached hereto as **Exhibit 39** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0218814.

41. Attached hereto as **Exhibit 40** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0226823.

42. Attached hereto as **Exhibit 41** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0248547- STX0248549.

43. Attached hereto as **Exhibit 42** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0253663.

44. Attached hereto as **Exhibit 43** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0260897.

45. Attached hereto as **Exhibit 44** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0269068.

46. Attached hereto as **Exhibit 45** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Numbers NIKE0042394 – NIKE0042396.

47. Attached hereto as **Exhibit 46** is a true and correct copy printout of a November 9, 2022 tweet, available at <https://twitter.com/stockx/status/1590468671377354752>.

48. Attached hereto as **Exhibit 47** is a true and correct is a true and correct copy of excerpts from the July 18, 2023 Videotaped deposition of Kari Kammel.

49. Attached hereto as **Exhibit 48** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Numbers NIKE0042397.

50. Attached hereto as **Exhibit 49** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0208221.

51. Attached hereto as **Exhibit 50** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0227488.

52. Attached hereto as **Exhibit 51** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0251071.

53. Attached hereto as **Exhibit 52** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0268088.

54. Attached hereto as **Exhibit 53** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0776120-STX0776139.

55. Attached hereto as **Exhibit 54** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0788156 - STX0788157.

56. Attached hereto as **Exhibit 55** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0788793- STX0788812.

57. Attached hereto as **Exhibit 56** is a true and correct copy of excerpts from the February 23, 2023, Videotaped Deposition Transcript of John Lopez.

58. Attached hereto as **Exhibit 57** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0545514 – STX0545630.

59. Attached hereto as **Exhibit 58** is a true and correct copy of excerpts from the February 8, 2023 Videotaped Deposition of Joe Pallett.

60. Attached hereto as **Exhibit 59** is a true and correct copy of a video produced by Nike in connection with this matter bearing Bates Number NIKE0005840.

61. Attached hereto as **Exhibit 60** is a true and correct copy of a printout of post on reddit.com titled “Any StockX workers past and present care to share details?” available at: https://www.reddit.com/r/Sneakers/comments/v7vbz6/any_stockx_workers_past_and_present_care_to_share/?rdt=45073.

62. Attached hereto as **Exhibit 61** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0248653.

63. Attached hereto as **Exhibit 62** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0070403 – STX0070412.

64. Attached hereto as **Exhibit 63** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0191602 – STX0191604.

65. Attached hereto as **Exhibit 64** is a true and correct is a true and correct copy of excerpts from the August 15, 2023 Videotaped Deposition of Sarah Butler.

66. Attached hereto as **Exhibit 65** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0205454.

67. Attached hereto as **Exhibit 66** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0206268.

68. Attached hereto as **Exhibit 67** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0210212.

69. Attached hereto as **Exhibit 68** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0211218.

70. Attached hereto as **Exhibit 69** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0212959.

71. Attached hereto as **Exhibit 70** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0780499.

72. Attached hereto as **Exhibit 71** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0220978.

73. Attached hereto as **Exhibit 72** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0290347- STX0290441.

74. Attached hereto as **Exhibit 73** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0173220 to STX0173284.

75. Attached hereto as **Exhibit 74** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Number NIKE0038994 – NIKE0038997.

76. Attached hereto as **Exhibit 75** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0786035.

77. Attached hereto as **Exhibit 76** is a true and correct copy of Is StockX Legit? Everything You Need to Know Before You Buy Sneaker, available at <https://www.33rdsquare.com/is-stockx-legit>.

78. Attached hereto as **Exhibit 77** is a true and correct copy of These Nike Sneakers Are The Most Likely To Be Fakes, available at <https://www.dmarge.com/how-to-spot-fake-sneakers/>.

79. Attached hereto as **Exhibit 78** is a true and correct copy of Authentication and StockX's Global Arms Race Against Fraudster, available at <https://techcrunch.com/2021/04/05/stockx-ec1-authentication/>.

80. Attached hereto as **Exhibit 79** is a true and correct copy of StockX CEO Scott Cutler On Disrupting the Sneaker Resale Game In Asia, available at <https://www.forbes.com/sites/tiffanylung/2020/11/30/disrupting-the-sneaker-scalping-game-in-asia-as-told-by-stockx-ceo-scott-cutler/>.

81. Attached hereto as **Exhibit 80** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0779941 – STX0779946.

82. Attached hereto as **Exhibit 81** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0232287.

83. Attached hereto as **Exhibit 82** is a true and correct copy of an StockX Post on x.com, available at <https://x.com/stockx/status/1408215581971603461>.

84. Attached hereto as **Exhibit 83** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0096562 – STX0096613.

85. Attached hereto as **Exhibit 84** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0781129 – STX0781141.

86. Attached hereto as **Exhibit 85** is a true and correct copy of excerpts from the December 2, 2023, Videotaped Deposition Transcript of Jacob Fenton.

87. Attached hereto as **Exhibit 86** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0225298.

88. Attached hereto as **Exhibit 87** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0247779 – STX0247780.

89. Attached hereto as **Exhibit 88** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0264147.

90. Attached hereto as **Exhibit 89** is a true and correct copy of Nike's Amended Responses and Objections to StockX's Fourth Set of Interrogatories.

91. Attached hereto as **Exhibit 90** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0204526 - STX0204527.

92. Attached hereto as **Exhibit 91** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0205474.

93. Attached hereto as **Exhibit 92** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0217609 – STX02170611.

94. Attached hereto as **Exhibit 93** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0224522.

95. Attached hereto as **Exhibit 94** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0260748.

96. Attached hereto as **Exhibit 95** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0265575 – STX0265576.

97. Attached hereto as **Exhibit 96** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0268661 – STX0268662.

98. Attached hereto as **Exhibit 97** is a true and correct copy Exhibit D to the Rebuttal Expert Report of Sarah Butler.

99. Attached hereto as **Exhibit 98** is a true and correct copy Exhibit F to the Rebuttal Expert Report of Sarah Butler.

100. Attached hereto as **Exhibit 99** is a true and correct copy of the Second Rebuttal Expert Report of Dr. Itamar Simonson, dated July 5, 2023.

101. Attached hereto as **Exhibit 100** is a true and correct copy of excerpts of the August 22, 2023 Videotaped deposition of Robert L. Vigil, Ph.D.

102. Attached hereto as **Exhibit 101** is a true and correct copy StockX.com, Every Item is StockX Verified, available at <https://web.archive.org/web/20221202064850/https://stockx.com/about/verification/>.

103. Attached hereto as **Exhibit 102** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0205470.

104. Attached hereto as **Exhibit 103** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0208222.

105. Attached hereto as **Exhibit 104** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0249738.

106. Attached hereto as **Exhibit 105** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0221098.

107. Attached hereto as **Exhibit 106** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0224271- STX0224272.

108. Attached hereto as **Exhibit 107** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0257787.

109. Attached hereto as **Exhibit 108** is a true and correct copy of a printout of Nike's 2020 Annual Report and Notice of Meeting, also available at [https://s1.q4cdn.com/806093406/files/doc_financials/2020/ar/363224\(1\)_16_Nike-Inc_Combo_WR_R2.pdf](https://s1.q4cdn.com/806093406/files/doc_financials/2020/ar/363224(1)_16_Nike-Inc_Combo_WR_R2.pdf).

110. Attached hereto as **Exhibit 109** is a true and correct copy of a printout of Nike's 2021 Annual Report and Notice of Meeting, also available at [https://s1.q4cdn.com/806093406/files/doc_financials/2021/ar/386273\(1\)_20_Nike-Inc_Combo_WR.pdf](https://s1.q4cdn.com/806093406/files/doc_financials/2021/ar/386273(1)_20_Nike-Inc_Combo_WR.pdf).

111. Attached hereto as **Exhibit 110** is a true and correct copy of a printout of Nike's 2022 Annual Report and Notice of Meeting, also available at https://s1.q4cdn.com/806093406/files/doc_financials/2022/NikeInc_2022_Annual_Report.pdf.

112. Attached hereto as **Exhibit 111** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0021182 – STX0021188.

113. Attached hereto as **Exhibit 112** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0203943.

114. Attached hereto as **Exhibit 113** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0204072- STX0204073.

115. Attached hereto as **Exhibit 114** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0207683.

116. Attached hereto as **Exhibit 115** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Number STX0209127.

117. Attached hereto as **Exhibit 116** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0021192- STX0021217.

118. Attached hereto as **Exhibit 117** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Number NIKE0000092-124.

119. Attached hereto as **Exhibit 118** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0097403.

120. Attached hereto as **Exhibit 119** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0192487 – STX0192491.

121. Attached hereto as **Exhibit 120** is a true and correct copy of StockX's Responses and Objections to Nike's Second Set of Requests for Production.

122. Attached hereto as **Exhibit 121** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0248646- STX0248647.

123. Attached hereto as **Exhibit 122** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0026903 – STX0026931.

124. Attached hereto as **Exhibit 123** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0041362 – STX0041365.

125. Attached hereto as **Exhibit 124** is a true and correct copy Exhibit G to the Rebuttal Expert Report of Sarah Butler.

126. Attached hereto as **Exhibit 125** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0015569 – STX0015570.

127. Attached hereto as **Exhibit 126** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0103338 – STX0103387.

128. Attached hereto as **Exhibit 127** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0286400 – STX0286689.

129. Attached hereto as **Exhibit 128** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0591192 – STX0591325.

130. Attached hereto as **Exhibit 129** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0050518 to STX0050665.

131. Attached hereto as **Exhibit 130** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0061163 to STX0061172.

132. Attached hereto as **Exhibit 131** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0100697 – STX0100753.

133. Attached hereto as **Exhibit 132** is a true and correct copy of excerpts of the November 30, 2022 Videotaped deposition of Russell Amidon.

134. Attached hereto as **Exhibit 133** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0017024 – STX0017175.

135. Attached hereto as **Exhibit 134** is a true and correct copy of an email from Defendant's counsel of record dated May 5, 2023.

136. Attached hereto as **Exhibit 135** is a true and correct copy of an email from Defendant's counsel of record dated June 2, 2023.

137. Attached hereto as **Exhibit 136** is a true and correct copy of a document produced by StockX in connection with this matter bearing Bates Numbers STX0023684 - STX0023831.

138. Attached hereto as **Exhibit 137** is a true and correct copy of a printout of the StockX "Magazine," available at: <https://stockx.com/news/>.

139. Attached hereto as **Exhibit 138** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Numbers NIKE0000055 -058.

140. Attached hereto as **Exhibit 139** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Numbers NIKE0003528-530.

141. Attached hereto as **Exhibit 140** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Numbers NIKE0003476-478.

142. Attached hereto as **Exhibit 141** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Numbers NIKE0003473-475.

143. Attached hereto as **Exhibit 142** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Numbers NIKE0003550-554.

144. Attached hereto as **Exhibit 143** is a true and correct copy of a document produced by Nike in connection with this matter bearing Bates Numbers NIKE0003581-594.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Executed on September 5, 2024 in New York, New York.

By: */s/ Tamar Y. Duvdevani*
Tamar Y. Duvdevani